

REMARKS

Claims 21-26 are pending in the present application. Applicant notes with appreciation that the Examiner has withdrawn all previous rejections. The Examiner now rejects these claims under 35 U.S.C. § 112, paragraph one, as allegedly containing new matter. Applicant respectfully disagrees.

THE "HEAVY CHAIN" LIMITATION IS NOT NEW MATTER

The Examiner admits that the application as filed discloses a multivalent composition comprising at least two variable regions but asserts that the application lacks disclosure of "heavy chain" variable regions. Applicant directs the Examiner's attention to the discussion of immunoglobulin molecules at page 22, lines 3-6, wherein Applicant indicates that:

"Immunoglobulin molecules consist of heavy (H) and light (L) chains, which comprise highly specific variable regions at their amino termini. The variable (V) regions of the H (V_H) and L (V_L) chains combine to form the unique antigen recognition or antigen combining site of the immunoglobulin (Ig) protein."

Thus, the limitation of "heavy chain", abbreviated as "H", is specifically described. The variable regions of heavy chains (*i.e.*, heavy chain variable regions), abbreviated as "V_H" are also specifically disclosed in the passage recited above.

Additional references to heavy chain variable regions are found throughout the specification. In some instances, *e.g.*, at page 23, line 12, the application uses exactly the same wording used in the present claims ("heavy chain variable region"). In many other instances, the term is indicated by the abbreviation "V_H". For example, see the paragraph beginning on page 6 at line 13, wherein one method of producing multivalent compositions for use in treatment of B-cell lymphoma is recited. Further, in a preferred embodiment described on the following page, Applicant specifically discloses the use of sequences encoding at least two V_H regions (*i.e.*, heavy chain variable regions) to produce multivalent compositions for use in B-cell lymphoma treatment methods (specification at page 7, lines 3-5).

For the reasons recited above, Applicant asserts that the "heavy chain" variable regions and their use in the presently claimed methods were described in the application so as to convey to one skilled in the art that the inventor, at the time of filing, had possession of the claimed invention. Applicant respectfully requests that this rejection be removed.

THE "HEAVY CHAIN" LIMITATION IS FOUND IN THE EARLIER FILED SPECIFICATIONS.

The Examiner asserts that the claim limitation "heavy chain" is not found in any priority application. Applicant respectfully disagrees. As discussed above, the "heavy chain" limitation is disclosed numerous times in the specification of the present application. As noted by the Examiner, the present application is a divisional of U.S. Application Ser. No. 09/370,453, filed August 9, 1999, which is a divisional of U.S. Application Ser. No. 08/761,334, filed December 6, 1996, now issued as U.S. Patent No. 5,972,334. As a divisional case, the specification filed in the present case (excluding the claim amendments) is identical to the specifications filed in each of these earlier cases. Therefore, the support for the "heavy chain" limitation described above appears in the earlier filed cases at the same page and line numbers. As such, present claims are fully supported by the specifications of these earlier filed cases, and the present application is entitled to *at least* the date of the earliest filed application, December 6, 1996.

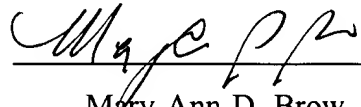
Applicant further notes that the earliest filed priority application, U.S. Application Ser. No. 08/644,664, filed May 1, 1996, also specifically discloses heavy and light chains of immunoglobulins (see, *e.g.*, p38, lines, 7-10 of the specification as filed).

For the reasons recited above, Applicant requests that the Examiner accord the the present application a filing date at least as early as December 6, 1996.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all grounds for rejection should be removed and Applicant's claims should be passed to allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourages the Examiner to call the undersigned collect at (608) 218-6900.

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